

REAL ESTATE REGULATORY AUTHORITY, BIHAR
Before the Bench of Mr. Naveen Verma, Chairman

RERA/CC/03/2021
RERA/AO/03/2021

Kishna Mohan Ray

.....Complainant

Vs

M/s Agrani Homes Pvt. Ltd.

.....Respondent

Project: Agrani IOB Nagar Block K

03.01.2023:

ORDER

This matter was last heard on 22.12.2022 and was fixed for orders on 28.12.2022. However, due to Municipal Election on 28.12.2022 holiday was declared by the State Government hence, order is being pronounced today i.e. on 03.01.2023.

The case of the complainant is that he has booked flat in the project Agrani IOB Nagar, Block-K on 20.03.2017 on aggregate consideration amount of Rs.22,99,900/- (excluding Service Tax). He had paid total amount of Rs.20,00,000/- through cheques, RTGS and cash. The project was to be completed by 26.11.2020 but since the construction work has not been started, he has filed this matter for refund of his deposited amount along with interest and compensation.

The complainant has filed copy of MOU wherein it is mentioned that Rs.20 lakh has been paid by the complainant against the total consideration amount of Rs.22,00,000/-. The respondent has filed copy of KYC and money receipts issued by the respondent company.

Perused the records. The respondent had appeared before the Adjudicating officer in March, 2021 when the matter was heard by the Adjudicating Officer. However, as the respondent has neither filed reply nor appeared before the Authority, ex-parte order is being passed.

On the basis of documents submitted by the complainant, the claim of amount of Rs.20,00,000/- deposited by him is admitted.

The Authority notes that the complainant has not filed copy of letter of cancellation of booking sent to the respondent company. The complainant ought to have approached the Authority only after they had sent letter of cancellation to the respondent. However, since the matter has been taken up, order is being pronounced.

Taking in view of the submissions of the complainant, the Authority directs the respondent company and its Director Mr. Alok Kumar to refund Rs.20,00,000/- to the complainant along with interest calculated at the rate of marginal cost of fund based lending rates (MCLR) of State Bank of India as applicable for three years plus 2% within 60 days from the date of booking to the date of refund.

The complainant is at liberty to press his claim for compensation before the Adjudicating Officer.

With these directions/observations the matter is disposed of.

Sd/-

(Naveen Verma)
Chairman